

Congress of the United States

Washington, DC 20515

January 9, 2023

James Pitaro
Chief Executive Officer
ESPN
545 Middle St.
Bristol, CT 06010

Dear Mr. Pitaro,

We write today to express our concern over ESPN's decision to have TikTok sponsor the halftime shows for recent NCAA bowl games. As recognized by numerous members of the Biden Administration, including CIA Director William Burns, FBI Director Christopher Wray, and Director of National Intelligence Avril Haines, TikTok poses a significant threat to U.S. national security.¹ Because of this threat, TikTok is now banned on federal government devices, including in Congress. ESPN's decision to allow TikTok to sponsor halftime shows watched by millions of Americans raises serious questions about ESPN corporate decision-making and the risk analysis it conducts when soliciting sponsorships.

The U.S. government considers TikTok a national security threat because it is owned by the Chinese company ByteDance, which is subject to the direction of the Chinese Communist Party (CCP). No Chinese company is truly private, because under China's 2017 National Intelligence Law, all citizens and businesses must assist in intelligence work, including sharing data. Moreover, the company's editor in chief, who is also the secretary of its internal CCP committee, stressed that the committee would "take the lead" in "all product lines and business lines" to ensure that ByteDance's products have "correct political direction."²

TikTok poses a two-fold danger. First, the app can track cellphone users' locations, internet-browsing history, and other key personal data—even when users are on other websites.³ The CCP could also collect sensitive national security data from government officials and develop profiles on millions of Americans to use for blackmail, espionage, or targeted influence. Despite years of denying that ByteDance's Chinese

¹ Rachel Treisman, "The FBI alleges TikTok poses national security concerns," NPR, Nov. 17, 2022, <https://www.npr.org/2022/11/17/1137155540/fbi-tiktok-national-security-concerns-china>; Judy Woodruff, "CIA Director Bill Burns on war in Ukraine, intelligence challenges posed by China," PBS News Hour, Dec. 16, 2022, <https://www.pbs.org/newshour/show/cia-director-bill-burns-on-war-in-ukraine-intelligence-challenges-posed-by-china>; Brook Singman, "TikTok poses 'legitimate national security concerns': Treasury Secretary Yellen," Fox News, Nov. 30, 2022, <https://www.foxbusiness.com/politics/tiktok-poses-legitimate-national-security-concerns-treasury-secretary-yellen>.

² Fergus Ryan, Audrey Fritz, & Daria Impiombato, "TikTok and WeChat: Curating and controlling global information flows," AUSTRALIAN STRATEGIC POLICY INSTITUTE, Sep. 8, 2020, <https://ad-aspi.s3.ap-southeast-2.amazonaws.com/2020-09/TikTok%20and%20WeChat.pdf?VersionId=7BNJWaoHImPVE.6KKcBP1JRD5fRnAVTZ>.

³ Paul Mozur, Ryan Mac, & Chang Che, "TikTok Browser Can Track Users' Keystrokes, According to New Research," *New York Times*, Aug. 21, 2022, <https://www.nytimes.com/2022/08/19/technology/tiktok-browser-tracking.html>.

employees can access U.S. users' data, ByteDance last month admitted that employees used TikTok's data to track U.S. journalists' locations.⁴

Second, TikTok's algorithm and content moderation is a black box that the CCP could use to propagate videos that support party-friendly politicians or exacerbate discord in American society.⁵ The Party can leverage enormous amounts of data to increase domestic division. Due to the rising number of Americans who use TikTok for news, the platform influences which issues Americans learn about, what information they consider accurate, and what conclusions they draw from world events.⁶ This places extraordinary power in the hands of a company that is subject to CCP direction.

TikTok has already censored references to politically sensitive topics, including the treatment of Uyghurs in Xinjiang, the CCP's crackdown in Hong Kong, and the 1989 protests in Tiananmen Square.⁷ TikTok has replaced with asterisks terms such as "reeducation camp" and "labor camp" in some videos.⁸ The app even temporarily blocked an American teenage activist who criticized the CCP's treatment of Uyghur Muslims.⁹

Furthermore, TikTok's parent ByteDance collaborates with government entities in Xinjiang to censor and surveil Uyghurs. This collaboration is especially concerning given the CCP's ongoing genocide of ethnic minorities, as determined by two consecutive U.S. administrations.¹⁰

We are concerned that despite these widely known issues with the app, ESPN has allowed TikTok to sponsor NCAA bowl game halftime shows. In light of the serious national threat posed by TikTok and the Chinese Communist Party more broadly, we respectfully request answers to the following questions by January 31, 2023:

- 1) What vetting procedures does ESPN conduct when reviewing potential corporate sponsors of its programming, including halftime shows? To what extent does this process include consideration

⁴ Emily Baker-White, "EXCLUSIVE: TikTok Spied on Forbes Journalists," *Forbes*, Dec. 22, 2022, <https://www.forbes.com/sites/emilybaker-white/2022/12/22/tiktok-tracks-forbes-journalists-bytedance/?sh=26b0ff637da5>; Hannah Murphy, "TikTok admits tracking FT journalist in leaks investigation," *Financial Times*, Dec. 22, 2022, <https://www.ft.com/content/e873b98a-9623-45b3-b97c-444a2fde5874>.

⁵ "The TikTok War," *Stratechery*, July 14, 2020, <https://stratechery.com/2020/the-tiktok-war/>.

⁶ Katerina Eva Matsa, "More Americans are getting news on TikTok, bucking the trend on other social media sites," *Pew Research Center*, Oct. 21, 2022, <https://www.pewresearch.org/fact-tank/2022/10/21/more-americans-are-getting-news-on-tiktok-bucking-the-trend-on-other-social-media-sites/>.

⁷ Ryan, Fritz, & Impiombato, "TikTok and WeChat"; Alex Hern, "Revealed: how TikTok censors videos that do not please Beijing," *The Guardian*, Sep. 25, 2019, <https://www.theguardian.com/technology/2019/sep/25/revealed-how-tiktok-censors-videos-that-do-not-please-beijing>; Sam Biddle, Paulo Victoria Ribeiro, & Tatiana Dias, "Invisible Censorship," *The Intercept*, Mar. 16, 2020, <https://theintercept.com/2020/03/16/tiktok-app-moderators-users-discrimination/>.

⁸ "Censorship on Tiktok?: Asterisks on words like 'internment camp'," *Teller Report*, Feb. 11, 2022, <https://www.tellerreport.com/news/2022-02-11-censorship-on-tiktok---asterisks-on-words-like-%22internment-camp%22.rkGVnHNy9.html>.

⁹ Raymond Zhong, "TikTok Blocks Teen Who Posted About Detention Camps," *New York Times*, Nov. 26, 2019, <https://www.nytimes.com/2019/11/26/technology/tiktok-muslims-censorship.html>.

¹⁰ Danielle Cave, Fergus Ryan & Vicky Xiuzhong Xu, "Mapping more of China's tech giants: AI and surveillance," *AUSTRALIAN STRATEGIC POLICY INSTITUTE*, Nov. 28, 2019, <https://www.aspi.org.au/report/mapping-more-chinas-tech-giants>; Anna Fifield, "TikTok's owner is helping China's campaign of repression in Xinjiang, report finds," *Wash. Post*, Nov. 28, 2019, https://www.washingtonpost.com/world/tiktoks-owner-is-helping-chinas-campaign-of-repression-in-xinjiang-report-finds/2019/11/28/98e8d9e4-119f-11ea-bf62-eadd5d11f559_story.html.

of potential national security risks? Were these procedures followed in ESPN's decision to allow TikTok sponsorship?

- 2) At the time of its decision to allow Tiktok sponsorship, was ESPN aware that TikTok is, through ByteDance, effectively controlled by the CCP and that the U.S. government has determined that it is a national security threat?
- 3) Will ESPN commit to ending its commercial relationship with TikTok, ByteDance, and other Chinese companies determined by the U.S. government to pose national security threats?

Thank you in advance for your consideration of these serious issues.

Sincerely,



Mike Gallagher
Member of Congress



Raja Krishnamoorthi
Member of Congress

cc:

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